

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

HENRY M. DAVIS, )  
Plaintiff, )  
vs. ) Case No.: 10-cv-1429 MLM  
MICHAEL WHITE, Individually and the )  
CITY OF FERGUSON, MISSOURI, )  
Defendants. )

***COUNTERCLAIM OF DEFENDANT POLICE OFFICER  
MICHAEL WHITE FOR BATTERY AGAINST PLAINTIFF***

COMES NOW Defendant, Officer Michael White, by and through counsel, and for his Counterclaim for battery against Plaintiff, states as follows:

1. Plaintiff Michael White is a public safety officer licensed by the Missouri Department of Public Safety and employed as a Police Officer by the City of Ferguson, Missouri.
2. Plaintiff Henry Davis was arrested and taken into custody in the City of Ferguson on or about September 20, 2009 upon probable cause and reasonable suspicion to believe plaintiff had committed violations of law.
3. In the course of plaintiff's lawful arrest by other Ferguson Police Officers, plaintiff was transported to the City of Ferguson Police Station and was processed as an inmate in the City of Ferguson City Jail.
4. Plaintiff was lawfully and reasonably ordered and directed by the Ferguson Police to enter a jail cell in the Ferguson Jail, but despite this lawful and reasonable order, plaintiff refused to do so.

5. Plaintiff verbally threatened several Ferguson Police Officers with physical harm if any officer attempted to force him to enter a jail cell.
6. Plaintiff was lawfully and reasonably ordered by the police several times to enter the jail cell voluntarily, but plaintiff persistently refused to obey this lawful order.
7. An attempt was made by the police to place plaintiff into a jail cell with the minimum amount of force necessary to accomplish this lawful task, but plaintiff began to violently resist this lawful process and began to fight with the police as he resisted their lawful and reasonable efforts to place him into a jail cell.
8. Defendant/Counterclaim Plaintiff Michael White, in carrying out his official duties as a police officer, attempted to assist in placing plaintiff lawfully into a jail cell.
9. Without any reasonable or legal justification, excuse or cause, Plaintiff Davis intentionally struck Defendant/Counterclaim Plaintiff Michael White in the nose with his fist, breaking Officer White's nose, thereby injuring and damaging him and causing him to bleed profusely.
10. As a direct and proximate result of Plaintiff Davis intentionally striking Defendant/Counterclaim Plaintiff White in the nose with his fist, Plaintiff Davis caused Defendant/Counterclaim Plaintiff to suffer severe bodily harm, disability, pain and injury.
11. As a direct and proximate result of Plaintiff Davis striking Defendant/Counterclaim Plaintiff White in the nose with his fist, Defendant/Counterclaim Plaintiff White was caused to sustain severe pain and suffering, was caused to incur medical bills and expenses for the reasonable and necessary medical treatment required for the care and treatment of his injuries, was caused to miss time from his employment, was caused to

suffer disfigurement and disability, and to incur further and additional losses, injuries and damages.

12. The intentional act of Plaintiff Davis in striking Defendant/Counterclaim Plaintiff Michael White was intentional, was motivated by malice, was without any reasonable justification or excuse, and was in violation of law, such that Defendant/Counterclaim Plaintiff Michael White is entitled to an additional award of punitive damages against Plaintiff Davis to deter Davis and any others from similar conduct in the future.

WHEREFORE, Defendant/Counterclaim Plaintiff Michael White prays judgment against Plaintiff Davis for such reasonable compensatory damages such as the Court and jury assess against Plaintiff Davis, and for an additional award of punitive damages, for the award of his costs and fees expended, and for such further relief as the Court deems proper.

*/s/Peter J. Dunne*

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I hereby certify that a copy of the foregoing filed electronically with the Clerk of the Court this 4<sup>th</sup> day of October, 2010 to be served by operation of the Court's electronic filing system upon the following:

Mr. James W. Schottel, Jr.  
Attorney for Plaintiff  
906 Olive Suite PH  
St. Louis, Missouri 63101

/s/Christine A. Moriarty

October 4, 2010